

# Compliance Monitoring Program

## 8.1 Introduction

Compliance monitoring is an important and major element of the FPHCP. One of DNR's responsibilities is to ensure that operators and landowners are complying with the forest practices rules when conducting forest practices activities. According to WAC 222-08-160 (4), "DNR shall conduct compliance monitoring that addresses the following key question: 'Are forest practices being conducted in compliance with the rules?' DNR shall provide statistically sound, biennial compliance audits and monitoring reports to the Board for consideration and support of rule and guidance analysis. Compliance monitoring shall determine whether forest practices rules are being implemented on the ground. An infrastructure to support compliance will include adequate compliance monitoring, enforcement, training, education and budget."

The Forest Practices program continues to actively seek state funding from the Legislature and support from the program's partners to effectively implement the compliance monitoring program. Funding for the 2005-2007 biennium included approximately one million dollars supporting the compliance monitoring program, with approximately \$170,000 passed through to WDFW and \$269,000 to DOE. DNR works cooperatively with WDFW and DOE to conduct the field surveys to collect and analyze the data. DNR has established program manager and program field coordinator positions to manage the compliance monitoring program.

The objective of the compliance monitoring program is to determine if forest practices are being conducted in compliance with the rules in effect since July 2001. To reach this end, the goals of the compliance monitoring program are as follows:

- Develop methods to streamline and maintain a cost effective field review compliance monitoring process.
- Provide relevant and accurate information to the AM program to modify or to clarify the rules in order to improve compliance.
- Identify opportunities to provide education (especially for complex forest practices rule categories) for landowners, regulators, consultants, and operators as suggested by non-compliance rates.
- Provide information for rule and Forest Practices Board Manual revision if necessary.
- Provide results to the Services and the Environmental Protection Agency, where applicable.

The framework for the compliance monitoring program includes the following components:

- The results must be credible and defensible.
- The Program will develop sampling methods, sample size, selection criteria, and reporting format.
- The sampling design will provide required information over time.
- The Program must be sustainable, adjustable, easily understood, and manageable.
- The Program will develop a detailed protocol for field assessments and provide appropriate training to all field staff including DNR, DOE, WDFW, and tribal participants.

An internal working group led by DNR has developed a framework (or plan) for a statewide compliance monitoring program. The work group consists of representatives from DNR's forest practices program, and DOE and WDFW.

An external stakeholder committee assists the internal work group by reviewing the program, offering suggestions for improvement and assisting in prioritizing the rule selection process. Its members represent the above-mentioned organizations along with the following groups: large industrial forest landowners, small non-industrial forest landowners, tribes, the conservation caucus, the Washington State Association of Counties, and the Services.

The compliance monitoring program is designed to be responsive to evolving needs, and works initially to address rules having the greatest influence on protection of aquatic resources. Because of the extent and complexity of the forest practices rules, monitoring efforts are developed and implemented using a phased approach. The first phase or "preliminary assessment" completed in 2004 tested a process to gather compliance data on the Riparian Management Zone (RMZ) rules along fish bearing streams. The information gained from this preliminary assessment helped to identify where the compliance survey process needs to be improved and strengthened.

A study design focusing on RMZ rules for all typed waters from WAC 222-30 along with Road Construction and Maintenance rules from WAC 222-24 was developed for the 2006 field season. An interim data analysis of the 2006 field season which was comprised of 278 various activities from 97 Forest Practice applications was completed and posted on the Compliance Monitoring website. This information will be combined with the analysis of the remaining 2007 field reviews completed before the end of the biennium. A final biennium report will then be presented to the Board in November 2007.

## **8.2 Highlights of the Compliance Monitoring Program**

- Completed a study design and field protocols which culminated in training the following personnel:
  - 36 DNR Forest Practices Foresters,
  - 7 Department of Ecology staff,
  - 11 WDFW staff, and
  - 17 volunteer tribal representatives.
- Completed an interim data analysis for the 2006 field season. The following table, "2006 Compliance Monitoring Survey," shows the results of the 97 FPAs (with 278 total activities) reviewed. The complete interim report, *Compliance Monitoring 2006 Field Season Interim Report*, along with the field forms, field note templates, and specifications and guidelines for the field reviews (for both Eastern and Western Washington) can be found on DNR's Compliance Monitoring website at [www.dnr.wa.gov/forestpractices/compliancemonitoring/](http://www.dnr.wa.gov/forestpractices/compliancemonitoring/).

### 2006 Compliance Monitoring Survey

Compliance Status	% of Total Activities	Site Specific Activities	
		% of Riparian Activities	% of Road Activities
In Compliance	81%*	74%	86%
Out of Compliance	19%	26%	14%

\*This number includes 30 activities the field teams determined exceeded the rules.

- Completed the field survey of 60 FPAs for the 2007 field season with approximately 145 activities. Data analysis is not complete at this time.
- Preparations are currently being made to complete a technical review of the *Program Design for Compliance Monitoring* (see section 8.4)

### 8.3 Future Plans for the Compliance Monitoring Program

The results from the 2006 compliance monitoring survey provided a good start in obtaining a better picture of rules compliance on the ground. Additional compliance monitoring efforts over the next 2 to 3 years will help clarify the picture. As clarification occurs, the program will be able to address any compliance issues that are occurring. Currently, the program is launching a training effort which will cover specific key points to help improve rules compliance. In general, an emphasis is being placed on outreach and training as a means to increase compliance of forest practices rules.

Work has begun on the development of the second phase of the monitoring project. Stakeholder input indicated interest in reviewing alternate plans and small forest landowner 20-acre exempt parcels as part of the 2007-2009 biennium in addition to the rule groups already covered. Each phase of monitoring will build on the previous phase. This approach allows for a thorough development of survey design and procedures. Other rule groups to be reviewed in future years include unstable slopes, Class II reviews, wildlife reserve tree requirements, and green up rules.

### 8.4 Compliance Monitoring Program Design

Following is DNR's *Draft Compliance Monitoring Program Design*. DNR is in the process of setting up a technical review of the Compliance Monitoring Program and recruiting, among others, those with operational monitoring experience and field expertise. In addition, the *Draft Compliance Monitoring Program Design* has been provided to the Compliance Monitoring stakeholder group for their review. The goal is to have the technical review completed by the November 2007 Board meeting.